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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,489	06/01/2000	Hieronymus Andriessen	4832/Bisquat	4952

7590

07/22/2003

Breiner & Breiner
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EXAMINER

KRUER, KEVIN R

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 07/22/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

AS7

Office Action Summary	Application N .	Applicant(s)	
	09/584,489	ANDRIESSEN ET AL.	
	Examiner	Art Unit	
	Kevin R Kruer	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-9,11,12,14,20-22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 3-9,11,12,14,20-22 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The rejection of claim 23 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been overcome by the cancellation of claim 23

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 3-8, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0875889A1 (herein referred to as Daems) in view of Posey-Dowty et al (US 5,994,530) for reasons of record.
4. Claims 3-9, 14, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andriessen et al. (US 6,187,508) in view of Posey-Dowty et al (US 5,994,530) for reasons of record.
5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andriessen et al. (US 6,187,508B1) or EP0875889A1 (Daems) in view of Posey-Dowty et al (US 5,994,530), as applied above, and further in view of Takahashi et al. (US 4,405,706), for reasons of record.
6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andriessen et al. (US 6,187,508B1) or EP0875889A1 (Daems) in view of Posey-Dowty et al (US 5,994,530), as applied above, and further in view of Applicant's admissions for reasons of record.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andriessen et al. (US 6,187,508B1) or EP0875889A1 (Daems) in view of Posey-Dowty et al (US 5,994,530), as applied above for reasons of record.

Response to Arguments

Applicant's arguments filed May 20, 2003 have been fully considered but they are not persuasive. Applicant argues that neither Daems nor Andriessen teaches the use of N-quaternized cellulose. The examiner agrees, but points out that neither reference was relied upon for such a teaching. Rather, the examiner took the position that it would have been obvious to one of ordinary skill in the art to utilize the N-quaternized cellulose taught in Posey-Dowty in said compositions because said CMCs are excellent for dispersing metals and have a high viscosity.

Applicant further argues that Posey-Dowty does not teach the use of N-quaternized CMC. The examiner respectfully disagrees. Posey-Dowty teaches an ammonia or amine treated CMC (col 3, lines 56+). The examiner took the position that such polymers do not read on the claimed N-quaternized CMC. Specifically, Applicant argues that the claimed N-quaternized CMCs are limited to compounds "having positively charged nitrogen atoms, each with 4 covalent bonds built into the polymeric molecular structure of the cellulose derivative (page 7 of Paper #6)." However, there is no support in the original disclosure for such a definition. The prior art recognizes that N-quaternized CMC is produced by mixing and reacting a solution of CMC with an appropriate quaternary ammonium solution (see US 4,617,385; col 4, lines 9+; of

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record). Thus, the examiner maintains the position that the modified CMC taught in Posey-Dowty reads on the claimed N-quaternized cellulose.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 703-305-0025. The examiner can normally be reached on Monday-Friday from 7:30 a.m. to 4:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is 703-305-5408.

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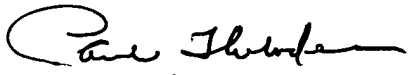
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

K-RK

KRK


Paul Thibodeau
Supervisory Patent Examiner
Technology Center 1700